



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Plummer et al.

Atty Docket No.: SUN1P802/P5257

Application No.: 09/841,759

Examiner: Tang, Kuo Liang J.

Filed: April 24, 2001

Group: 2122

Title: METHOD AND APPARATUS FOR  
REWRITING BYTECODES TO MINIMIZE  
RUNTIME CHECKS

CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on April 1, 2005 in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Signed:

Dilora Haddad

INTERVIEW SUMMARY

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Interview Summary is submitted following a telephone interview with Examiner Tang on March 30, 2005.

In the March 30th interview, Applicant's undersigned attorney discussed claim 1, as amended in the Response filed December 28, 2004, in view of the references Long (U.S. Pat. No. 6,691,307) and Seshadri (U.S. 6,658,421). Long and Seshadri were cited in the Final Office Action of December 2, 2004 to support the rejection of claims 1-16 as obvious under 35 USC § 103(a).

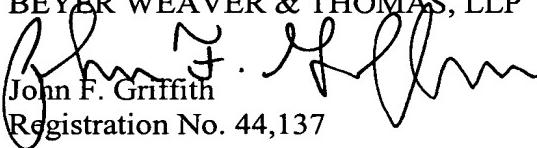
Applicant's attorney asserted that Long and Seshadri, considered separately or in combination, fail to disclose or suggest "a preloader arranged to ... rewrite the bytecode to a new bytecode which indicates that at least one of the class and the superclass requires execution of the static initializer when it is determined that the bytecode makes the active reference to the class which requires the execution of the static initializer," as recited in claim 1.

After discussing Long, Examiner Tang stated that Long showed a preloader and "rewriting." However, Examiner Tang agreed with Applicant's attorney that Long does not teach or suggest a preloader arranged to rewrite a bytecode to a "new bytecode which indicates that at least one of the class and the superclass requires execution of the static initializer," as recited in claim 1. Applicant's attorney pointed out that this position is contrary to the Examiner's prior assertions (in both the December 2nd Office Action and the Advisory Action of February 22, 2005) that Long alone showed the above-quoted feature of claim 1.

The Examiner then stated he believed that the above-quoted feature is shown in Seshadri, at col. 4, line 54 through col. 5, line 5; Fig. 7; and related description of class loading step 181 in col. 12-13. Applicant's attorney disagreed with Examiner Tang as to the teachings of Seshadri. Applicant's attorney asserted that Seshadri only describes generating signatures for detecting binary compatibility in compiled object code (col. 4), and a conventional class loading procedure (col. 12-13). Applicant's attorney again asserted that Seshadri does not teach or suggest the above-quoted feature of claim 1.

Applicant's attorney then asked Examiner Tang where specifically the cited portions of Seshadri describe the above-quoted feature of claim 1. The Examiner asserted the features were generally described in cols. 12-13. After again reading cols. 12-13, Applicant's Attorney again disagreed with the Examiner, and re-stated that Seshadri, at cols. 12-13, makes no mention of rewriting a bytecode to a "new bytecode which indicates that at least one of the class and the superclass requires execution of the static initializer," as recited in claim 1, but instead only describes a conventional class loading procedure.

Enclosed is Check No. 10458 in the amount of \$620.00 to cover one (1) month Extension of Time and Notice of Appeal fees. Should any additional fee be required, the Commissioner is hereby authorized to charge the fees to Deposit Account 50-0388 (Order No. SUN1P802).

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP  
  
John F. Griffith  
Registration No. 44,137

BEYER WEAVER & THOMAS, LLP  
P.O. Box 70250  
Oakland, CA 94612-0250  
Tel: (510) 663-1100